

**Chapter 3.52****HUNTINGTON BEACH AUTO DEALERS BUSINESS IMPROVEMENT DISTRICT**

(3175-10/92)

**Sections:**

- 3.52.010 Intent and purpose
- 3.52.020 Definitions
- 3.52.030 Establishment of area
- 3.52.040 Boundary modification
- 3.52.050 Collection of benefit assessment
- 3.52.060 Changes in assessments
- 3.52.070 Business classifications/benefit assessment
- 3.52.080 Benefits to business/restriction on use
- 3.52.090 Penalty for delinquent payment
- 3.52.100 Advisory board
- 3.52.110 Annual approval/resolution
- 3.52.120 Public hearing
- 3.52.130 Area establishment and disestablishment

**3.52.010 Intent and purpose.** On August 17, 1992, The City of Huntington Beach (the "City") adopted Resolution No. 6415 (the "Resolution"), declaring its intention to establish a business improvement area (herein referred to as the "District") and to levy a benefit assessment on all businesses within said District, the proceeds of which shall be used for the public purposes therein described, pursuant to the Parking and Business Improvement Area Law of 1989, Part 6 (commencing with Section 36500) of Division 18 of the California Streets and Highways Code (the "Act"). On September 8, 1992, the City held a duly noticed public hearing and introduced Ordinance 3175. The City Council has heard and considered all oral and written protests or other comments regarding such proposed action, and written protests from businesses in the proposed area paying a majority of the proposed assessment have not been received and the City Council finds, based on all evidence presented that the businesses within the District will be benefited by the expenditure of the funds raised by the assessments proposed to be levied. (3175-10/92)

**3.52.020 Definitions.** Businesses to be assessed are those classified by the City of Huntington Beach Business License Code as Class A. Retail sales (AI), auto; new, used parts. (3175-10/92)

**3.52.030 Establishment of area.** A parking and business improvement area to be known as the "Huntington Beach Auto Dealers Business Improvement District" (the "District") is hereby established pursuant to the Parking and Business Improvement Area Law of 1989, Streets and Highway Code Section 36500, et seq. The boundaries of the District and the benefit zones within the District are generally located on Beach Boulevard, and set forth with greater specificity in the following map and list exhibits A-1 and A-2. (3175-10/92)

**3.52.040 Boundary Modification.** The City Council may modify the boundaries or assessments, established by this Ordinance; the modifications shall be made pursuant to the requirements of the Act, but no assessment shall be modified which would impair the ability of the District to meet the obligation of a contract to be paid from the revenues derived from the levy of assessments. (3175-10/92)

**3.52.050 Collection of benefit assessment.** The benefit assessment authorized by this Ordinance shall be billed by the City in monthly installments with all funds collected being remitted within thirty (30) days of receipt to the Huntington Beach Auto Dealers Association or such other entity or organization as is mutually agreed upon by said Association and City. This will be accomplished by mailing assessment notices monthly to all businesses as herein defined within District by first class mail to be due thirty (30) days from date of invoice. The levy of

assessments will commence on the first day of the month following the issuance of the Certificate of Occupancy by the City for installation and full operation of the Auto Dealers directory reader board sign within the District. (3175-10/92)

**3.52.060 Changes in assessments.** Any businesses covered by this Chapter shall also be subject to changes which may be made in the assessments or in the uses to which the revenues shall be put, as specified in this Ordinance and as permitted by the Act; such changes shall be made by later ordinance adopted after a hearing before the City Council, or by Resolution, if approved in conjunction with confirmation of the Annual Report. (3175-10/92)

**3.52.070 Business classifications/benefit assessment.** For purposes of the assessments to be imposed pursuant to this Ordinance, the City Council may make a reasonable classification of business, giving consideration to various factors, including general benefit to businesses and the degree of benefit received from programs of the District. All businesses, as defined in Section 2 hereof, located within the Huntington Beach Auto Dealers Improvement District are assessed and classified as follows: (3175-10/92)

Business Type		Assessment Formula		Per Month
1.	Auto-New, Used, Parts	(a)	Director Sign Trust Account for 60 months	\$ 435
		(b)	Sign Maintenance	\$ 400
		(c)	Administrative Costs (Dealers)	\$ 200
		(d)	Property Tax	\$ 30
		(e)	Insurance	\$ 50
		(f)	Collection/Disbursement Costs (City/Bank)	\$ 25
2.	All other businesses, if any			-0-
			Total	\$ 1,140
			Total After 60 months	\$ 705
		(a)	Business owners with multiple dealerships at the same location or adjacent locations having a common method of access and egress shall pay one benefit assessment fee.	
		(b)	Business owners with multiple dealerships at non-adjacent multiple locations shall be assessed for each such location.	
			(3175-10/92)	

**3.52.080 Benefits to business/restriction on use.** The assessments levied on businesses pursuant to this Ordinance shall, to the maximum extent feasible, be levied on the basis of the estimated benefit to the businesses within the District and the revenues from the levy of assessments shall not be used to provide improvements or activities outside of the District or for any other purpose not specified in said Resolution of Intention. (3175-10/92)

**3.52.090 Penalty for delinquent payment.** For failure to pay a benefit assessment when due, the City shall add a penalty of ten percent (10%) of the assessment amount on the last calendar day of each month after the date due thereof, providing that the penalty amount to be added shall in no event exceed one hundred percent (100%) of the assessment amount due. No City business license shall be knowingly issued or renewed to any business which, at the time of making application for any license or renewal thereto, is indebted to the City for any delinquent benefit assessment. (3175-10/92)

**3.52.100 Advisory Board.** (3175-10/92)

(a) **Appointment.** The City Council shall appoint an Advisory Board which shall make recommendations to the City Council on the expenditure of revenues derived from assessments pursuant to this part, on the classification of businesses, and on the method of levying the assessments. (3175-10/92)

- (b) **Annual Report.** The Advisory Board shall prepare a report for each fiscal year for which assessments are to be levied. The report shall be filed with the City Clerk and shall comply with all the requirements of Streets and Highways Code Section 36533. (3175-10/92)
- (c) **Approval of Report.** The City Council may approve the annual report filed by the Advisory Board or may modify any particular item contained in the report and approve it as modified. The City Council shall not approve a change in the basis or method of levying assessments which would impair an executed contract to be paid from the revenues derived from the assessments. (3175-10/92)

**3.52.110 Annual approval/resolution.** After approval of the report filed by the Advisory Board, the City Council pursuant to Section 36534 of the Act, shall adopt annually a resolution of intention to levy an assessment for that fiscal year. The City Council shall hold a public hearing prior to the adoption of a resolution confirming the Annual Report and Levy of Assessments. (3175-10/92)

**3.52.120 Public hearing.** A public hearing shall be held pursuant to the requirements of Parking and Business Improvement Area Law of 1989. (3175-10/92)

**3.52.130 Area establishment and disestablishment.** All provisions of this Chapter applicable to the establishment or disestablishment of an area shall apply to the establishment, modification, or disestablishment of benefit zones pursuant to Section 36500, et seq. of the California Streets & Highways Code, and subject to any amendments thereof, and the establishment or the modification of any benefit zone shall follow the same procedures as provided for the establishment of a parking and business improvement area and the disestablishment of a benefit zone shall follow the same procedure as provided for disestablishment of an area. (3175-10/92)